



REDEPLOYMENT LEGAL BRIEF



CLIENT SERVICES
OSJA, MNC-I

UNCLASSIFIED



BRIEFING OVERVIEW



- **Uniformed Services Employment and Reemployment Rights Act**
- **Servicemembers' Civil Relief Act**
- **Uniform Code of Military Justice**
- **Claims**
- **Taxation**
- **Legal Assistance**
- **General Order 1A-No War Trophies**

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USERRA



Uniformed Services Employment and Reemployment Rights Act

www.esgr.org

1-800-336-4590

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USERRA



- Provides for the restoration of a soldier's civilian job upon release from active duty (voluntary or involuntary).
- Applies to both mobilized Army Reserve and National Guard soldiers.



USERRA



- **5 Prerequisites (38 USC 4312)**

- 1) Soldier must hold a civilian job.
- 2) Soldier must give prior notice of military service, where practicable.
- 3) Period of service may not exceed 5 years.
- 4) Service must be honorable, or “under honorable conditions”.
- 5) Soldier must report back to civilian job in a timely manner.



USERRA



- **7 Basic Entitlements (38 USC 4313-4318)**
 - 1) Prompt reinstatement.
 - 2) Keep same status.
 - 3) Keep accrued seniority.
 - 4) Non-seniority benefits.
 - 5) Health insurance is reinstated.
 - 6) Training, retraining, and other accommodations.
 - 7) Discharge, discrimination, and reprisal protection.



USERRA



- **Enforcement (38 USC 4323)**
 - National Committee for Employer Support of Guard and Reserve
(1-800-336-4590) (www.esgr.com)
- The Veterans' Employment and Training Service (VETS)
(1-202-693-4701) (www.dol.gov/vets)
- JAG Legal Assistance Office
- Private Right of Action



SERVICEMEMBERS' CIVIL RELIEF ACT



- The SCRA protects active duty military members and reservists or members of the National Guard called to active duty (starting on the date active duty orders are received) and, in limited situations, dependents of military members (e.g., certain eviction actions).



SERVICEMEMBERS' CIVIL RELIEF ACT



- **6% Interest rate cap**
- **Request Delay of Court and Administrative Proceedings**
The request must be in writing and (1) explain why the current military duty materially effects the SM ability to appear, (2) provide a date when the SM can appear, and (3) include a letter from the commander stating that the SM's duties preclude his or her appearance and that he/she is not authorized leave at the time of the hearing.
- **Default Judgment Protection** SM may reopen a default judgment and set it aside. SM must apply to the court for relief within 90 days of the termination or release from military service.
- **Immediate Health Insurance Reinstatement** The SCRA further provides for the reinstatement of any health insurance upon termination or release from service.



UNIFORM CODE OF MILITARY JUSTICE



- **The Uniform Code of Military Justice (UCMJ) is a federal law which is the basis for the Army's system of military justice.**



UNIFORM CODE OF MILITARY JUSTICE



- Once terminated or released from military service, SM is no longer subject to UCMJ.

HOWEVER,

- The UCMJ does have “continuing” jurisdiction.

WHICH MEANS,

- SM is still subject for any offenses committed while on active duty, even if SM has been terminated or released from military service.
- SM can be retained or recalled to active duty status, at any time, to resolve any UCMJ action.

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CLAIMS

- **SM may file a claim for Loss of or Damage to Personal Property Incident to Service.**



CLAIMS



- **Need a copy of DD 1842.**
- **Must file within two years of discovery of the loss or damage.**
- **Claims are to be submitted to the servicing Staff Judge Advocate's Office.**



CLAIMS



- **SM's are NOT authorized to ship personal belongings at DOD expense.**
- **If SM ships personal items by CONNEX or MILVAN SM's claim will be BARRED.**
- **SM's must either carry their personal property with them or mail it back through USPS - BUY THE INSURANCE!**



INCOME TAXES



- **Military pay exclusion- combat zone service**
 - **Enlisted soldiers and warrant officers - all** pay excluded.
 - **Commissioned Officers - The** maximum monthly dollar amount is derived from the Sergeant Major of the Army's (SMA) basic pay (\$6,315.90), plus the HF/IDP amount (\$225).
 - These exemptions started the day you arrived in country. These exemptions end when you redeploy. However, the tax exemption remains effective for the entire month, regardless of the number of days you spend in country.



INCOME TAXES



- **Extension of deadlines - combat zone service.**
 - **180 day extension from last day in the CZ.**
- **Applies to both Federal and State taxes.**
- **Write: "COMBAT ZONE-Operation Iraqi Freedom" on the top front of your tax return.**



Legal Assistance



- **Wills**

- Wills executed prior to deployment are still valid unless revoked.

- **Powers of Attorney (POAs)**

- POAs executed prior to deployment are still in effect until they expire or are revoked.

- **Other Legal Assistance**

- For two years after demobilization, demobilized SM's may receive legal assistance only for issues that arose during period of mobilization.



GENERAL ORDER

1A



- **Keeping Prohibited War Souvenirs is a Criminal Offense.**



GENERAL ORDER 1A

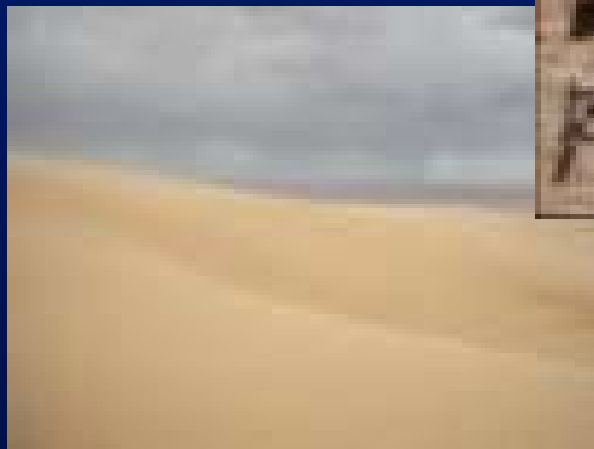


**THE
FOLLOWING
ARE
PROHIBITED...**

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Art, Weapons, Personal Items



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GENERAL ORDER



1A

**THE
FOLLOWING
ARE
PERMITTED...**

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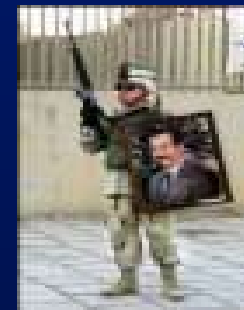
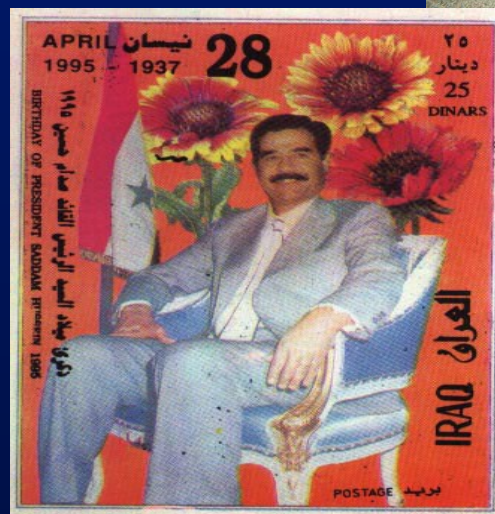
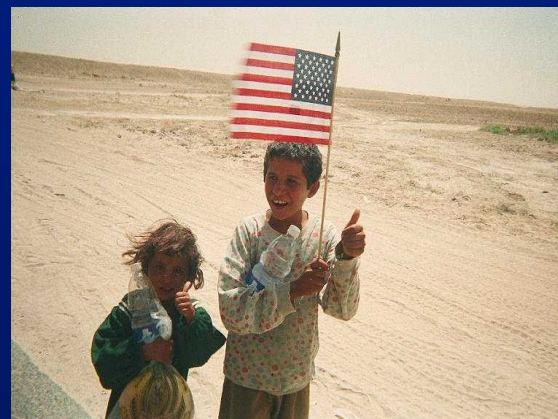
Awards, Patches, Insignias, Uniforms



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Flags, Photographs, Posters, Stamps



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Detainees



**ABSOLUTELY NO
PHOTOGRAPHS
OF DETAINEES!**

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Detainees



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Dinars



Old Iraqi Dinars - Take as much as you want.



New Iraqi Dinars - Limit of \$10,000.



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QUESTIONS

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